

H. C. R. No. 17, Extending Congratulations to Hon. Sam Rayburn.

H. C. R. No. 19, Inviting Major General Paul B. Malone to address the Legislature.

H. C. R. No. 15, Recalling H. C. R. No. 11 from the Senate.

#### ADJOURNMENT

Mr. Taylor moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Mr. Huffman moved that the House recess until 2:30 o'clock p. m. today.

The motion to adjourn prevailed and the House accordingly at 12:20 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

#### APPENDIX

##### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, January 28, 1941.  
Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 17, Extending congratulations to the Honorable Sam Rayburn, Speaker of the National House of Representatives.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, January 27, 1941.  
Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 19, Inviting Major General Paul B. Malone to address a Joint Session of the House and Senate.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, January 27, 1941.  
Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 18, Granting permission to the House of Representatives and the Senate to adjourn from Thursday, January 23rd, to Monday, January 27th.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, January 27, 1941.  
Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 15, Recalling House Concurrent Resolution No. 11 from the Senate.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

#### ELEVENTH DAY

(Wednesday, January 29, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Celaya
Allen	Chambers
Allison	Clark
Alsup	Cleveland
Anderson	Coker
Avant	Colson, Mrs.
Bailey	Connelly
Baker	Craig
Bean	Crossley
Bell	Crosthwait
Benton	Daniel
Blankenship	Davis
Boone	Deen
Brawner	Dickson of Bexar
Bray	Dickson of Nolan
Bridgers	Donald
Brown	Dove
Bruhl	Duckett
Bullock	Dwyer
Bundy	Ellis
Burkett	Eubank
Burnaman	Evans
Carlton	Favors
Carrington	Ferguson
Cato	Files

Fitzgerald	McMurry
Fuchs	McNamara
Gandy	Manning
Garland	Markle
Gilmer	Martin
Goodman	Matthews
Halsey	Mills
Hanna	Montgomery
Hardeman	Moore
Hargis	Morgan
Harris of Dallas	Morris
Harris of Hill	Morse
Hartzog	Murray
Heflin	Nicholson
Helpinstill	Pace
Hileman	Parker
Hobbs	Pevehouse
Howard	Phillips
Howington	Price
Hoyo	Rampy
Huddleston	Reed of Bowie
Huffman	Reed of Dallas
Hughes	Ridgeway
Humphrey	Roark
Hutchinson	Roberts
Isaacks	Rhodes
Jones	Sallas
Kelly	Senterfitt
Kennedy	Sharpe
Kersey	Shell
Kinard	Simpson
King	Skiles
Klingeman	Smith of Bastrop
Knight	Smith of Atascosa
Lansberry	Spacek
Lehman	Spangler
Leyendecker	Stanford
Little	Stinson
Lock	Stubbs
Love	Taylor
Lowry	Thornton
Lucas	Turner
Lyle	Voigt
McAlister	Walters
McCann	Wattner
McDonald	Weatherford
McGlasson	Whitesides
McLellan	Winfree

## Absent—Excused

Henderson	Vale
Manford	White

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, in Thee we live, and move, and have our beings. As we are concerned about many things, may we not forget Thee and our re-

sponsibility to Thee. Grant to us a spirit of understanding and co-operation that we may meet Thy reasonable expectations concerning us. In Jesus' name. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. White for today on motion of Mr. Huddleston.

Mr. Vale for today on motion of Mr. Hartzog.

Mr. Celaya for today on motion of Mr. Leyendecker.

The following Members were granted leaves of absence on account of illness:

Mr. Henderson for today on motion of Mr. McNamara.

Mr. Manford for today on motion of Mr. Winfree.

## HOUSE BILLS ON FIRST READING

The following House bills introduced today were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Dickson of Bexar, Mr. Ridgeway, Mr. Hoyo, Mr. Anderson and Mr. Dwyer:

H. B. No. 183, A bill to be entitled "An Act to provide for and regulate the holding of run-off elections in cities and towns having a population in excess of two hundred thousand (200,000) inhabitants, according to the last preceding or any future Federal Census; providing that cities not using voting machines may adopt the preferential type ballot in lieu of the procedure set forth in this Act; repealing all laws, parts of law, charter provisions and ordinances in conflict herewith, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. King, Mr. Bean and Mr. Halsey:

H. B. No. 184, A bill to be entitled

"An Act providing for the seizure and sale of any vehicle or animal used in the rounding up, loading, or transportation of stolen live stock, and of any vehicle or animal used as a means of transportation to and from the scene of the theft; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Bean:

H. B. No. 185, A bill to be entitled "An Act making it unlawful for any person, firm, copartnership, corporation, association or other organization, or any combination thereof, to engage in business or act in the capacity of a contractor individually or jointly with others without having obtained a license as provided by this Act, and providing that such Act shall not apply to representatives of the United States Government, the State of Texas, or municipal or political corporations of the State of Texas, officers of courts acting within the scope of their office, certain public utilities, owners of property not intended for sale, sellers or installers of material not actually fabricated into a permanent part of a structure, work on personal property, any construction, alteration or improvement on any reservation of the Federal Government, work where the aggregate contract price is less than \$100.00, any construction incidental to irrigation and drainage ditches, reclamation districts or farming, dairying, agriculture, viticulture, horticulture, stock or poultry raising, or work upon land in rural district for fire prevention purposes, except when performed by a licensee under this Act; defining the word "contractors," and classifying and defining contractors into general engineering contractors, and authorizing the Registrar of Contractors, with approval of this Contractors' State License Board, to adopt rules and regulations to effect classification of contractors in accordance with the definition of the branches of the contracting business and establish usage in the construction business; creating the Contractors' State License Board, composed of seven members, six of whom shall be appointed by the Governor and

the seventh shall be the Commissioner of Labor Statistics, providing for their qualifications and terms of office and for the organization meetings and for other meetings of and the powers and duties of the Contractors' State License Board and designating the Commissioner of Labor Statistics as Registrar of Contractors, and giving him authority to appoint a deputy registrar and other assistants and subordinates as may be necessary, and with the approval of the Board to fix the compensation to be paid such assistants and subordinates, and providing for the application for a license under rules and regulations which may be adopted by the Contractors' State License Board and for the qualifications of any applicant for a license, and the initial payment for a license fee of \$25.00, and providing for the issuance of a license if applicant has necessary qualifications and for annual renewal fee of \$10.00, and an annual renewal of the license, and providing that upon failure to pay the annual renewal fee the license shall be suspended and renewable only upon the payment of a fee of \$5.00 in addition to the current renewal fee, and providing that the license issued shall be signed by the licensee, be nontransferable and be displayed in the licensee's main office or chief place of business; and that a surviving member or members of a licensed copartnership, by reason of death, shall be entitled to continue in business under such license until the expiration date and that licensees shall report to the Registrar all changes of personnel, name, style or addresses and requiring the Registrar to maintain in the office of the Commissioner of Labor Statistics a record of all applications for and license issued and enumerating the acts or omissions for which a license may be temporarily suspended or permanently revoked and providing the procedure for a hearing for suspending or revoking a license and for an appeal to the district court from the action of the Registrar of Contractors in refusing, suspending, or revoking a license, and giving the Registrar of Contractors or any member of the Board powers to administer oaths, certify to official acts and issue sub-

poenas for witnesses, and providing for the renewal of licenses suspended or revoked and making it a misdemeanor for any person to act in the capacity of a contractor within the meaning of this Act without a license, and that no person acting in the capacity of a contractor shall bring or maintain any suit in any court of this State for the collection of compensation for the performance of any act for which a license is required without alleging and proving that such person was a duly licensed contractor at all times during the performance of such act or contract, defining the term "person," allowing expenses and fixing compensation to members of the Board, making the State Treasurer custodian of the revenues derived under the provisions of this Act, which revenues shall be credited to the account of the Contractors' State License Board, making an appropriation for the funds collected during the fiscal year ending——, and each succeeding year thereafter, with the exception of ten per cent of said funds, which ten per cent is to be paid into the General Revenue Fund of the State of Texas, and providing that expenses of the Contractors' State License Board shall be paid out of the fund in the State Treasury to the credit of the Contractors' State License Board upon requisition signed by the Registrar and a warrant of the Comptroller, and making an appropriation of \$1,000.00 out of the general revenue for organization expenses, and providing that if any portion of this Act is declared unconstitutional the decision shall not affect the validity of the remaining portions, and repealing all laws in conflict with this Act, and providing the Act shall be cited as the Contractors' State License Law, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Celaya:

H. B. No. 186, A bill to be entitled "An Act providing for the conservation and protection of game in State of Texas by providing open seasons for hunting in the State; prescribing bag limits and limits on

possession of game; prescribing the time when it shall be legal to hunt certain game; setting aside certain territory as a nesting and propagating ground for certain game, and prohibiting hunting and shooting therein; fixing a limitation on the kind of gun with which certain game can be hunted; authorizing game wardens to take affidavits with reference to the violation of game laws; prescribing offenses and fixing penalties; repealing all laws in conflict with this Act; providing a saving clause and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Celaya:

H. B. No. 187, A bill to be entitled "An Act defining the term 'obscene publication'; prohibiting the sale of any obscene publication; providing a penalty for violation; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Chambers:

H. B. No. 188, A bill to be entitled "An Act amending Article 198 of the Revised Civil Statutes of the State of Texas, as amended by Acts of the 46th Legislature, 1939, page 148, Section I, relating to, and designating the Supreme Judicial Districts of the State of Texas, by transferring Brown County from the Third Supreme Judicial District to the Eleventh Supreme Judicial District; providing that this Act shall not affect the jurisdiction of the Court of Civil Appeals for the Third Supreme Judicial District in cases appealed from Brown County, in which the transcript shall have been filed in said court prior to the date this Act takes effect; that in all cases from Brown County in which appeal or writ of error has been perfected, but the transcript not filed in the Court of Civil Appeals for the Third Supreme Judicial District prior to the effective date of this Act, the record of such case or cases shall be filed in the Court of Civil Appeals for the Eleventh Supreme Judicial District of Texas, which shall have jurisdiction; pro-

vided further, that in any case from a trial court in Brown County, in which appeal or writ of error may be perfected after the passage of this Act, but before its effective date, if the transcript be filed in the Court of Civil Appeals for either the Third or the Eleventh Supreme Judicial District of Texas within the time otherwise provided by law, such appeal shall not be dismissed for failure to file the transcript in the proper court, but if filed in the wrong court, the clerk thereof shall transmit the record, together with a transcript of any orders made in the case, to the proper court having jurisdiction; and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Ferguson, Mr. Kersey, Mr. Burnaman, Mr. Hargis, Mr. Avant, Mr. Sallas, Mr. Skiles, Mr. Helpinstill, Mr. Martin, Mr. Dove, Mr. Rampy, Mr. Parker and Mr. Benton:

H. B. No. 189, A bill to be entitled "An Act to regulate the practice of chiropractic in Texas; to create an examining board and provide for appointment and maintenance thereof; to provide for an executive-secretary, and the creation and control of a chiropractic examination and registration fund; to provide for examinations, and fixing requirements and fees therefor; to provide for licensing chiropractors; to provide for recording of license, and registration of chiropractors, and fixing fees therefor; to fix standards for chiropractic colleges; to define the practice of chiropractic; to fix penalties; to enact repealing and saving clauses, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Montgomery, Mr. Winfree, Mr. Huddleston, Mr. Kinard, Mr. Heflin, Mrs. Colson, Mr. Daniel, Mr. McGlasson, Mr. Clark and Mr. Hutchinson:

H. B. No. 190, A bill to be entitled "An Act empowering the Courts of the State of Texas having original jurisdiction of Criminal actions to suspend the imposition or execution of sentence and to place defendants on probation under certain condi-

tions; specifying conditions of probation which, among others, may be imposed; providing for investigation, by Probation Officers, of the defendants seeking to come within the provisions of this Act; prescribing the period of probation and any extensions thereof; amending Articles 776, 777, and 778, Code of Criminal Procedure of Texas; providing for the discharge of defendants who have observed the conditions of probation imposed by the Courts and the legal effect of such discharge; providing for the arrest, with or without warrant, of defendants on probation, and for the reimposition of sentence without jury trial in the event the conditions of probation have been violated; providing that the Court may require bond of the defendant before releasing him on probation, and fixing the conditions of said bond; providing for the appointment of Probation Officers and the method thereof, and making provision for their compensation and for their necessary expenses, and making an appropriation therefor, and for the bonding of such Probation Officers as shall handle moneys; authorizing the removal or suspension of Probation Officers under certain conditions; requiring the services of such Probation Officers to be available, under certain conditions, to Judges of other Courts, and to Parol Boards in the State of Texas for supervision of paroled convicts; prescribing the duties of such Probation Officers and the powers of such Officers; providing that information obtained by said Officers shall be privileged; providing for the transfer of probationers from one district to another under certain conditions; directing the Commissioners Courts to provide office space for said Probation Officer; designating 'Chief' and 'Assistant' Probation Officers; retaining the effectiveness of the present suspended sentence law as to all defendants now under such sentence; repealing Articles 776a, 779, and 780, Code of Criminal Procedure of Texas, but Articles 779 and 780 shall continue in effect as to all persons now at liberty under suspended sentence; repealing all laws or parts of laws in conflict herewith; providing that if any part of this Act is declared unconstitutional it shall not effect the validity of the re-

mainder of the Act; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Favors and Mr. Coker:

H. B. No. 191, A bill to be entitled "An Act defining 'Barber Board' and 'Board'; declaring policy to promote and protect the public welfare, health and safety in its control and supervision of the barber business and barber profession as a public necessity; granting power and authority upon the State Board of Barber Examiners to make all necessary rules and regulations to govern the barber business, barber shops and barber colleges; granting power to investigate, conduct hearings, determine facts, fix minimum prices for services usually performed in the barber business to best protect the public health, welfare and safety with healthful, modern service at minimum danger considering cost, conveniences and sanitation; providing for notice of hearings with power to revoke rules, regulations or order without notice; to amend same where subject matter was considered at hearing made the basis thereof; granting authority to make and enforce rules and orders of general or local application, when necessary; providing for publication of rules, regulations or orders upon final adoption; granting power after notice and hearing to refuse, suspend and cancel barber license with provision for service of notice personally or by United States mail; providing for statement of reason for cancellation or suspension served personally or by mail; with power of the Board to refuse to issue or renew, suspend or revoke certificate of registration for violation of the provisions of this Act after at least twenty days' notice in writing specifying charge; providing for representation at such hearing; power to summon witnesses and require production of books and records and to administer oaths; fixing manner of service of process; to compel attendance and fixing amount and manner of payment of fees; providing power and duties of the Board to grant relief to the accused; providing for the Attorney General of Texas, the District Attorney or County Attorney to represent the Board

at hearings conducted; providing for suits to be filed against the Board or appeal taken from the action of the Board by filing suit in the District Court of Travis County only; providing for the speedy trial of such suits and that orders of the Board are prima facie valid with burden of proof upon party complaining of law, rules, regulations or orders; providing no injunction shall be issued against the Board, its members or orders, rules or regulations until service of citation and five days' notice has been given; the manner of service or notice; the relief that may be granted, with provision for bond and manner of determining amount of bond in favor of person or persons who may suffer damages; authorizing Board to institute suit, determine complaints and sue out process to enforce orders; providing a penalty recoverable in the name of the State for violation of provisions of the Act; making the Act cumulative of all other laws; providing a saving clause; repealing all laws in conflict herewith; providing this Act shall not be construed to amend or in any manner repeal the anti-trust laws of the State of Texas or the United States, and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Burkett, Mr. Bridgers, Mr. Winfree, Mr. Crossley, Mr. Howington, Mr. Isaacks and Mr. Benton:

H. B. No. 192, A bill to be entitled "An Act amending Article 6203 of Title 108 of the Revised Civil Statutes of Texas, as revised in 1925, as amended by Chapter 45, Acts of the First Called Session of the 41st Legislature, by Chapter 9 of the Fourth Called Session of the 41st Legislature, and by Chapter 11 of the Fifth Called Session of the 41st Legislature, defining the powers and duties of the Board of Pardons and Paroles; fixing the domicile of said Board; authorizing the maintenance thereof; providing for the selection of a chairman thereof and defining his duties; establishing a system of parole for convicts sentenced to the penitentiary of this State; requiring District Judges, Criminal District Judges, Prosecuting Attorneys, and Sheriffs to furnish information relating to

convicts sent to the penitentiary from their respective courts or jurisdiction, upon request by the Board; providing for the remission of fines and forfeitures; providing for what sum of money, clothing, and transportation shall be furnished to convicts when released on parole, conditional pardon, and reprieve; requiring prison officials and their employees to furnish the Board with such information and reports relative to convicts as the Board may request; making the records of convicts on file in the office of the Secretary of State available to the Board; enacting other matters incidental to the subject of this Act; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Taylor, Mr. Blankenship, Mr. Daniel, Mr. Burnaman, Mr. Hutchinson and Mr. Roberts:

H. B. No. 193, A bill to be entitled "An Act defining publication, newspaper, political sub-division, district and certain mandatory expressions; designating persons to select newspapers in which publications are to be inserted; fixing a legal rate for publications in newspapers; providing for the publication of notices, proclamations, advertising, and citations in newspapers; repealing conflicting provisions of Articles 3, 29, 1154, 3311, 3334, 3808, 4203, 7206, 7276, 7342 and 7624 of the Revised Civil Statutes, of Article 4115 of the Revised Civil Statutes as amended by Acts of 1935, 44th Legislature, Chapter 254, Section 1, of Acts of 1925, 39th Legislature, Chapter 161, Sections 2 through 6, of Acts of 1933, 43rd Legislature, 1st Called Session, Chapter 84, Section 1, and of Acts of 1937, 45th Legislature, Chapter 506; repealing all parts of laws in conflict; providing a rule of construction; and declaring an emergency."

Referred to the Committee on Judiciary and Uniform State Laws.

By Mr. Lowry:

H. B. No. 194, A bill to be entitled "An Act providing for a Workmen's Compensation Fund, defining certain terms, providing the Industrial Accident Board shall administer to this

Act, prescribing the powers and duties of the Industrial Accident Board, providing for payment of compensation, providing who shall be entitled to compensation, providing Industrial Accident Board may promulgate certain rules of procedure, providing that certain information shall be furnished by the employer and for the assessment for Industrial accident insurance to the employer, providing that Industrial Accident Board shall classify occupations and industries, providing that Industrial Accident Board shall set rates for premiums, providing penalty for violation of this Act or order of Industrial Board, providing for collection of funds for maintenance and distribution of monies, providing that certain reports be made to the Industrial Accident Board, providing that injuries be classified, defining occupational diseases and certain injuries, providing for medical services, the regulation of attorneys fees, providing for funeral expenses, providing for notice of injury to be furnished the Industrial Accident Board, providing that records shall be kept by the Industrial Accident Board, providing for appeals from the rulings of the Industrial Accident Board, providing for reports to the Governor and the Legislature of the State of Texas, declaring the provisions of this Act to be severable, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Reed of Bowie, Mr. McCann, Mr. Hileman, Mr. Garland, Mr. Connelly, Mr. Carlton, Mr. Moore and Mr. Gandy:

H. B. No. 195, A bill to be entitled "An Act making an appropriation of twenty-thousand dollars (\$20,000.00), in the State Treasury not otherwise appropriated for Sulphur River Conservation and Reclamation District, providing that the Board of Directors of the Sulphur River Conservation and Reclamation District shall receive from the Federal government of the United States, financial aid to the Sulphur River Conservation and Reclamation District, to aid said District in making the necessary plans for its construction program, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Boone and Mr. Goodman:

H. B. No. 196, A bill to be entitled "An Act to authorize the State of Texas to institute suit to enjoin any person, firm or corporation, or their officers, agents or employees from receiving and collecting interest in excess of that authorized by law and from engaging in business of making loans whereon usurious interest is charged; regulating the procedure and providing for joinder of more than one defendant in the same action; providing a saving clause, and declaring an emergency."

Referred to the Committee on Judiciary and Uniform State Laws.

By Mr. Senterfitt and Mr. Rampy:

H. B. No. 197, A bill to be entitled "An Act to provide additional revenue for the State of Texas by levying an excise, license or privilege tax, in addition to all other licenses and taxes now levied and assessed in this State, upon every person, firm, association or corporation engaged in gathering gas produced in this State; to define the meaning of 'gas' and 'gathering gas'; providing for the keeping and maintaining of necessary records for computing the tax hereby imposed; providing penalties for the failure or omission to keep the required records; providing for the enforcement of this Act by the Comptroller of Public Accounts; providing penalties for the failure to make true and correct returns hereunder; providing for the seizure and sale of the tax debtor's property in case of failure to pay said taxes; providing for the refund of taxes erroneously paid; providing that any person intentionally furnishing false information or making false oath under this Act shall be guilty of perjury; providing that all moneys collected under this Act shall be paid into the General Fund; providing that if any clause, sentence, paragraph, section or any part of this Act shall be adjudged invalid, such judgment shall not affect or impair or invalidate the remainder of this Act; prohibiting any municipality, county or other subdivision of this State from repeat-

ing or duplicating in whole or in part the tax hereby imposed; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. King and Mr. Fitzgerald:

H. B. No. 198, A bill to be entitled "An Act to declare a closed season on the killing of deer and turkey in Throckmorton, Shackelford and Haskell Counties for a period ending February 1, 1946; prescribing a penalty therefor, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. McNamara, Mr. Clark, Mr. Burkett, Mr. Simpson, Mr. Fitzgerald, Mr. Hutchinson, Mr. McAlister, Mr. Bullock, Mr. White, Mr. Celaya, Mr. Kennedy, Mr. Matthews, Mr. Cato, Mr. Parker, Mr. Skiles, Mr. Humphrey, Mr. Allison, Mr. Halsey, Mr. King, Mr. Kersey, Mr. Brown, Mr. Ridgeway, Mr. Crossley, Mr. Bundy, Mr. Knight, Mr. Pace, Mr. Dickson of Nolan, Mr. Jones, Mr. Hartzog, Mr. Craig, Mr. McMurry, Mr. Bray, Mr. Hughes, Mr. Lyle, Mr. Lansberry, Mr. Markle, Mr. Senterfitt, Mr. Boone, Mr. Goodman, Mr. Nicholson, Mr. Stubbs, Mr. Rampy, Mr. Lowry, Mrs. Colson, Mr. Howington, Mr. Eubank, Mr. Taylor, Mr. Cleveland, Mr. Martin, Mr. Donald, Mr. Price, Mr. Bean, Mr. McLellan, Mr. Kinard, Mr. Pevehouse, Mr. Coker, Mr. Lucas, Mr. Connelly, Mr. Roberts, Mr. Ferguson, Mr. Stinson, Mr. Harris of Hill, Mr. Hobbs, Mr. McDonald, Mr. Howard, Mr. Wattner, Mr. Bridgers, Mr. Leyendecker, Mr. Smith of Atascosa, Mr. McGlasson, Mr. Allen, Mr. Ellis, Mr. Turner, Mr. Isaacks, Mr. Manford, Mr. Thornton, Mr. Daniel, Mr. Morgan, Mr. Love, Mr. Montgomery, Mr. Duckett, Mr. Blankenship, Mr. Davis, Mr. Carlton, Mr. Walters, Mr. Bailey, Mr. Hoyo, Mr. Chambers, Mr. Huddleston, Mr. Dove and Mr. Winfree:

H. B. No. 199, A bill to be entitled "An Act to repeal Section 20 of Chapter 76 of Acts 1931, Forty-fourth Legislature, Regular Session, as amended by Section 1, Chapter 15 of Acts 1937, Forty-fifth Legislature, Regular Session, as amended



by Section 1 of H. B. 831, page 500, of Acts 1939, Forty-sixth Legislature, Regular Session, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. Nicholson, Mr. Kinard and Mr. Lowry:

H. B. No. 200, A bill to be entitled "An Act to validate the organization and creation of all Junior College Districts and Union Junior College Districts, created in any manner under the provisions of the Acts of the Forty-first Legislature, 1929, page 648, Chapter 290, and under any amendments thereof; validating all proceedings and acts of the County Boards of Education, all acts of the State Board of Education, and all acts of the Commissioners' Courts of this State heretofore taken in creating or undertaking to create such Junior College Districts; validating all elections held for the creation of such Junior College Districts, the election of trustees thereof, and the voting of bonds therefor; validating all proceedings and acts of boards of trustees of such Junior College Districts heretofore taken; validating all bonds voted, authorized, or sold, or now outstanding of such Junior College Districts and all bonds heretofore voted, but not yet issued; providing for the election of a board of trustees for such Junior College Districts, and providing certain powers and duties of such trustees; providing for the fee to be charged such Junior College Districts by the County Tax Assessor and Collector when such officer shall be designated to assess and collect the taxes for such districts; repealing all laws in conflict herewith; providing a saving clause; providing this law shall not apply to any district or any bonds now in litigation; and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Hoyo, Mr. Dickson of Bexar, Mr. Dwyer, Mr. Anderson and Mr. Ridgeway:

H. B. No. 201, A bill to be entitled "An Act amending Section 11 of Article 2351 of the Revised Civil Stat-

utes of Texas, 1925, as amended, pertaining to the powers and duties of Commissioners' Courts by adding thereto a provision authorizing the Commissioners' Court to appropriate money not exceeding Seventy-five Thousand Dollars, out of any available funds, to lend to or deposit with any agency of the State of Texas or of the United States, to aid and assist in carrying out the purposes and provisions of an Act of Congress of the United States, pertaining to the distribution of surplus commodities under the direction of the Surplus Marketing Administration in the Department of Agriculture of the United States and all regulations issued thereunder creating the Food Stamp Plan or system, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Hargis, Mr. Alsup, Mr. Burnaman, Mr. Chambers, Mr. Howington and Mr. Manning:

H. B. No. 202, A bill to be entitled "An Act amending Article 3148, Revised Civil Statutes of Texas, 1925, so as to provide for the service of notice in a primary election contest upon the opposing candidate, by providing that such notice may be served upon the agent or attorney of the opposing candidate, or by leaving the notice with some person over the age of sixteen (16) years at the usual place of residence or business of the opposing candidate; and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Hargis, Mr. Alsup, Mr. Burnaman, Mr. Chambers, Mr. Howington and Mr. Manning:

H. B. No. 203, A bill to be entitled "An Act amending Article 3152, Revised Civil Statutes of Texas, 1925, to provide for the service upon the contestee in a primary nomination contest of a copy of the grounds of contest together with the notice of the date set for hearing by providing that service may be had upon the agent or attorney of the contestee, or by leaving such notice with some person over the age of sixteen years at the usual place of residence or

business of the contestee; and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. McNamara and Mr. Jones:

H. B. No. 204, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special Law or by County Board of Trustees; providing no transfer of territory is validated by the Act unless authorized by an affirmative vote of voters in such district; validating the Acts of said County Board of Trustees and Boards of Trustees of such districts; validating all proceedings and Acts of said Boards of Trustees; validating all bonds voted, authorized and/or sold and/or now outstanding of said Districts; validating all tax levies made in behalf of said Districts; authorizing and empowering all school districts mentioned in this Act to levy, assess and collect the same rate of taxes as is now being levied, assessed and collected therein, and heretofore authorized or attempted to be authorized by any act or acts of said District, or by any Act of the Legislature; making certain exemptions, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Hartzog, Mr. Blankenship, Mr. Harris of Dallas, Mr. Alsup and Mr. Matthews:

H. B. No. 205, A bill to be entitled "An Act to amend Section 25, Section 31, Section 32 and Section 65 of House Bill No. 407, Chapter 4, page 602 of the Acts of the 46th Legislature, Regular Session (1939); defining "department"; providing a method and manner of issuing receipts and certificates of title when

a lien is disclosed thereon, adding Subsection (a) under Section 32 as amended, limiting the use of duplicate copies of said receipts and certificates of title; providing for the transfer of the Certificate of Title Section of the Department of Public Safety of the State of Texas to the Highway Department of the State of Texas and designating the same as a division within said department, amending the repealing clause of said Act, and creating an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Bridgers and Miss Files:

H. B. No. 206, A bill to be entitled "An Act to amend Section 1, Article 2844a of the Revised Statutes, which provides for textbooks for use in the public schools in teaching the German and Czech languages, and to add thereto a provision for textbooks for the teaching of the Spanish language."

Referred to the Committee on Education.

By Mr. Halsey and Mr. Hardeman:

H. B. No. 207, A bill to be entitled "An Act validating certain County Line Independent School Districts; providing for the continuance in office of the Board of Trustees of such County Line Independent School Districts as same existed immediately prior to increasing the area of such districts, until the expiration of the respective terms of the members thereof, and providing that their successors shall be elected as provided by the General Laws for the election of trustees in County Line Independent School Districts incorporated for school purposes only; providing for the validating of all acts of the Board of Trustees of any such County Line Independent School District in connection with the ordering of an election or elections and declaring the results thereof, and in attempting or purporting to levy taxes for and on behalf of such County Line Independent School District with its increased area and providing for the validating of all contracts and other acts of such Board of Trustees, otherwise legal,

heretofore made on behalf of such district with increased territory; providing that nothing in this Act shall in any wise affect any local maintenance tax or taxes for bonded purposes heretofore voted on any part of the territory included within the bounds of any such County Line Independent School District within the increased area; and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Daniel, Mr. Hutchinson, Mr. McAlister, Mr. Clark, Mr. McMurry, Mr. McDonald, Mr. Montgomery, Mr. Kersey, Mr. Lowry, Mr. Bean, Mr. Ferguson, Mr. Sallas, Mr. Avant and Mr. Lehman:

H. B. No. 208, A bill to be entitled "An Act providing for the execution of an agreement to extend the Interstate Compact to Conserve Oil and Gas; prescribing the form of the agreement; prescribing procedure for withdrawal from the Compact; and declaring an emergency."

Referred to the Committee on Oil, Gas, and Mining.

#### HOUSE JOINT RESOLUTION ON FIRST READING

The following House Joint Resolution introduced today was laid before the House, read severally first time, and referred to the appropriate committee as follows:

By Mr. Reed of Dallas, Mr. Crosthwait, Mrs. Colson, Mr. Hanna, Mr. Kinard, Mr. Blankenship, Mr. Goodman, Mr. Boone, Mr. Heflin, Mr. Winfree, Mr. McDonald, Mr. McLellan, Mr. Stubbs, Mr. Bridgers, Mr. Harris of Dallas, Mr. Montgomery, Miss Files, Mr. McCann, Mr. Daniel, Mr. McAlister, Mr. Celaya, Mr. Voigt, Mr. Pevehouse, Mr. Halsey, Mr. Cleveland, Mr. Stinson, Mr. Anderson, Mr. Dwyer, Mr. Kersey, Mr. Crossley, Mr. Isaacks and Mr. Skiles:

H. J. R. No. 10, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror shall be denied or abridged on account of sex; and by amending Sections 13, 17 and 29 of

Article 5 so as to provide that grand and petit juries in the district courts shall consist of 12 persons, and in the county court of 6 persons; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

Referred to the Committee on Constitutional Amendments.

#### SENATE BILL ON FIRST READING

The following Senate bill received from the Senate on yesterday was laid before the House, read first time, and referred to the appropriate committee, as follows:

S. B. No. 29 to the Committee on State Affairs.

#### ADDITIONAL SIGNERS OF HOUSE BILLS

By unanimous consent of the House the following members were authorized to sign bills as co-authors of same, as follows:

Mr. Thornton: House Bill No 119.

Mr. Hughes: House Bill No. 45.

Mr. Humphrey: House Bill No. 77.

Mr. Klingeman: House Bill No. 77.

Mr. Stinson: House Bill No. 122.

Mr. Howard: House Bill No. 20.

Mr. Avant, Mr. Ferguson and Mr. Baker: House Bill No. 13.

Mr. Coker: House Bill No. 178.

#### NAMING WILMA JEAN FAVORS SWEETHEART OF MASCOTS

Mr. Lyle offered the following resolution:

H. S. R. No. 78, Naming Wilma Jean Favors Sweetheart of Mascots.

Whereas, We have discovered a suitable and proper young lady to become the "Sweetheart of Mascots" of the House of Representatives for the Forty-seventh Legislature, in the person of Wilma Jean Favors, daughter of the Honorable Ennis Favors, Representative of Gray County, State of Texas; now therefore, be it

Resolved, That Wilma Jean Favors, be, and she is hereby, officially

named by this House as "Sweetheart of Mascots" of the House of Representatives for the Forty-seventh Legislature of Texas; and be it further

Resolved, That said "Sweetheart of Mascots" have her picture made and placed with the Members of the House in the official group of the Body, when and if said official group picture is provided for.

McLELLAN,  
LYLE,  
LANSBERRY.

The resolution was read second time and was adopted.

#### NAMING MASCOTS OF THE HOUSE

Mr. Favors offered the following resolution:

H. S. R. No. 79, Naming Ernest Coker, Jr., and Lynn Jay Coker Mascots of the House.

Whereas, Up to the present time several lovely and charming young sons of various Representatives of this House have been elected as Mascots; and

Whereas, Ernest Coker, Jr., age 6, and Lynn Jay Coker, age 5, lovely sons of Mr. and Mrs. Ernest Coker, are proper persons to be elected as Mascots; now, therefore, be it

Resolved, That Ernest Coker, Jr. and Lynn Jay Coker be hereby officially named Mascots for the House of Representatives of the Forty-seventh Legislature of the State of Texas; and be it further

Resolved, That their pictures be placed in the group picture of the members of the House of Representatives and that a copy of this Resolution be forwarded to each.

FAVORS,  
HUMPHREY.

The resolution was read second time and was adopted.

#### PROVIDING FOR CERTAIN INVESTIGATION IN REGARD TO ADMINISTRATION OF OLD AGE ASSISTANCE

Mr. Skiles offered the following resolution:

H. S. R. No. 71, Providing for Certain Investigation in Regard to Administration of Old Age Assistance:

Whereas, By the creation two years ago of the Department of Public Welfare the Legislature hoped to correlate the various social welfare services of the State into an efficient organization by which the haphazard method of administering old age assistance and other phases of the social security program might be eliminated; and

Whereas, One of the prime purposes of the change made in the administration of the Old Age Assistance program was to eliminate certain practices of administrators by which the applicants for this assistance were being abused, mistreated and discriminated against; and

Whereas, Since assuming the authority conferred upon them by the Public Welfare Act it is rumored that many officials, workers, investigators, and especially supervisors of the Texas Old Age Assistance Division of the Public Welfare Department have conducted themselves contrary to the purpose and spirit of the Act and have brought down upon themselves and the Legislature that created them the vigorous disfavor of the public; and

Whereas, The specific conduct complained of includes among other things the allegation of the following, to-wit: discrimination among recipients of equal status; rudeness of conduct in investigating, including the use of abusive language, insulting remarks, threats and intimidations against applicants; failure and refusal to accept pension applicants; failure to conduct investigation of applicants after making promises to applicants that they would be reinstated and thus trafficking in the hopes and expectations of many, many deserving old citizens; and many other instances of willful neglect of duty and open failure to enforce their duty as provided and as intended by law to such a grave extent that the entire purpose of the Public Welfare Act, in so far as it relates to the administration of the Old Age Assistance, has been nullified; and

Whereas, In addition to the above named actions the investigators of the Old Age Assistance Division have been considering the ability of children to support their parents in

determining the eligibility of applicants for assistance, this being in plain violation of the provisions of Senate Bill Number Nine (9) passed by the Forty-sixth Legislature by which child support was expressly removed as a condition of eligibility, and by this action investigators have shown a contempt for the expression of legislative will and have assumed to act for themselves in arbitrary, unrestrained, and illegal manner; and

Whereas, The people of Texas place the responsibility for such conduct partly on the Legislature; now, therefore, be it

Resolved, by the House of Representatives, That the Speaker of the House be instructed to refer to a proper committee for immediate investigation the matters hereinabove referred to and that said committee be instructed to forthwith proceed with a complete and full investigation of the administration of old age assistance in this State and particularly said committee shall inquire into the complaints hereinabove set forth, to-wit, the conduct by which officials, investigators and supervisors of the Pension Division are alleged to have been abusing and mistreating old age assistance applicants and discriminating between applicants; that said committee be empowered to subpoena witnesses, procure written and factual evidence, command the bringing before it of such records of the Old Age Assistance Commission as it may deem fit and proper; and that said committee, in addition to conducting said inquiry, shall be directed to report back to the House of Representatives, by not later than February twenty-first, proper legislative action by which the administration of old age assistance in this State can be effectively handled in such manner as to deserve and receive public approval rather than public condemnation as is now the case.

Signed — Skiles, Bailey, Davis, Price, Bean, Knight, Alsup, Kersey, Matthews, Henderson, Coker, Lock, Morgan, Eubank, Wattner, Manning, Humphrey, Sharpe, Pace, Boone, Carlton, Voigt, Spacek, Parker, Love, Ferguson, Avant, Dove, Bullock, Halsey, Stubbs, Cato, Rampy, King,

Allison, Jones, Kelly, Dwyer, Favors, Craig and Phillips.

The resolution was read second time.

Mr. Bean raised a point of order on further consideration of the resolution by Mr. Skiles at this time, on the ground that the time for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. McMurry moved that the Rule relative to the consideration of resolutions be suspended until the above resolution is disposed of.

The motion to suspend the Rule prevailed.

Mr. Nicholson moved that the resolution be referred to the Committee on State Affairs.

Mr. Skiles moved to table the motion to refer.

The motion to table prevailed.

Question then recurring on the resolution by Mr. Skiles, it was adopted.

#### HOUSE BILL 45 ON SECOND READING

Mr. Taylor moved that the necessary Rules be suspended for the purpose of taking up and considering, at this time, House Bill No. 45.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment.

H. B. No. 45, A bill to be entitled "An Act to create a Texas Defense Guard in the State of Texas during such time as any part of the National Guard is in active Federal Service, and to provide for the organization, maintenance, training and discipline thereof, and declaring an emergency"

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 45 ON THIRD READING

Mr. Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 45

be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—145**

Allen	Goodman
Allison	Halsey
Alsup	Hanna
Anderson	Hardeman
Avant	Hargis
Bailey	Harris of Dallas
Baker	Harris of Hill
Bean	Hartzog
Bell	Heflin
Benton	Helpinstill
Blankenship	Hileman
Boone	Hobbs
Brawner	Howard
Bray	Howington
Bridgers	Hoyo
Brown	Huddleston
Bruhl	Huffman
Bullock	Hughes
Bundy	Humphrey
Burkett	Hutchinson
Burnaman	Isaacks
Carlton	Jones
Carrington	Kelly
Cato	Kennedy
Celaya	Kersey
Chambers	Kinard
Clark	King
Cleveland	Klingeman
Coker	Knight
Colson, Mrs.	Lansberry
Connelly	Lehman
Craig	Leyendecker
Crossley	Little
Crosthwait	Lock
Daniel	Love
Davis	Lowry
Deen	Lucas
Dickson of Bexar	Lyle
Dickson of Nolan	McAlister
Donald	McCann
Dove	McDonald
Duckett	McGlasson
Dwyer	McLellan
Ellis	McMurry
Eubank	McNamara
Evans	Manning
Favors	Markle
Ferguson	Martin
Files	Matthews
Fitzgerald	Mills
Fuchs	Montgomery
Gandy	Moore
Garland	Morgan
Gilmer	Morris

Morse	Simpson
Murray	Skiles
Nicholson	Smith of Bastrop
Pace	Smith of Atascosa
Parker	Spacek
Pevehouse	Spangler
Phillips	Stanford
Price	Stinson
Rampy	Stubbs
Reed of Bowie	Taylor
Reed of Dallas	Thornton
Ridgeway	Turner
Roark	Voigt
Roberts	Walters
Rhodes	Wattner
Sallas	Weatherford
Senterfitt	Whitesides
Sharpe	Winfree
Shell	

**Absent—Excused**

Henderson	Vale
Manford	White

The Speaker then laid House Bill No. 45 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—145**

Allen	Colson, Mrs.
Allison	Connelly
Alsup	Craig
Anderson	Crossley
Avant	Crosthwait
Bailey	Daniel
Baker	Davis
Bean	Deen
Bell	Dickson of Bexar
Benton	Dickson of Nolan
Blankenship	Donald
Boone	Dove
Brawner	Duckett
Bray	Dwyer
Bridgers	Ellis
Brown	Eubank
Bruhl	Evans
Bundy	Favors
Bullock	Ferguson
Burkett	Files
Burnaman	Fitzgerald
Carlton	Fuchs
Carrington	Gandy
Cato	Garland
Celaya	Gilmer
Chambers	Goodman
Clark	Halsey
Cleveland	Hanna
Coker	Hardeman

Hargis	Matthews
Harris of Dallas	Mills
Harris of Hill	Montgomery
Hartzog	Moore
Heflin	Morgan
Helpinstill	Morris
Hileman	Morse
Hobbs	Murray
Howard	Nicholson
Howington	Pace
Hoyo	Parker
Huddleston	Pevehouse
Huffman	Phillips
Hughes	Price
Humphrey	Rampy
Hutchinson	Reed of Bowie
Isaacks	Reed of Dallas
Jones	Ridgeway
Kelly	Roark
Kennedy	Roberts
Kersey	Rhodes
Kinard	Sallas
King	Senterfitt
Klingeman	Sharpe
Knight	Shell
Lansberry	Simpson
Lehman	Skiles
Leyendecker	Smith of Bastrop
Little	Smith of Atascosa
Lock	Spacek
Love	Spangler
Lowry	Stanford
Lucas	Stinson
Lyle	Stubbs
McAlister	Taylor
McCann	Thornton
McDonald	Turner
McGlasson	Voigt
McLellan	Walters
McMurry	Wattner
McNamara	Weatherford
Manning	Whitesides
Markle	Winfree
Martin	

Absent—Excused

Henderson	Vale
Manford	White

#### RELATIVE TO INSTALLATION OF PUBLIC ADDRESS SYSTEM

Mr. Morse offered the following resolution:

H. S. R. No. 87, Relative to Installation of Public Address System in the House.

Whereas, During the Forty-sixth Legislature it became apparent that the public address system in the House had become inadequate, it

having become exceedingly difficult to hear members during debate, and

Whereas, Due to the purchase of a new voting machine, it became necessary to remove the loud speakers which previously hung over the Speaker's stand, so that members could see that portion of the voting machine which shows questions being voted upon, and

Whereas, Permission was given for the trial installation of a new public address system; and

Whereas, Its acceptance, or rejection, was to be determined by this House;

Therefore, be it Resolved, That the Speaker appoint a committee of three members of the House to determine whether or not the trial installation is satisfactory to the members of the House, and to make such recommendations concerning the terms of its acceptance, or rejection, as it may find proper; and

Be it further resolved, That said committee be empowered in case it finds the present installation inadequate to make recommendations to this House concerning the type and cost of system necessary to provide this membership with a public address system suitable to its needs.

MORSE,  
KERSEY.

The resolution was read second time and was adopted.

In accordance with the above action the Speaker announced the appointment of the following:

Mr. McAlister, Mr. Alsop and Mr. Simpson.

#### RELATIVE TO FINANCIAL AS- SISTANCE TO SCHOOL DIS- TRICTS NEAR DEFENSE TRAINING

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 5, Requesting the Federal Government to Give Material Financial Assistance to School Districts Near Defense Training Centers.

Whereas, Under the National Preparedness Program many military training camps, naval air bases, airplane factories, and defense ship-

yards have been established in Texas, thereby bringing large numbers of men, in military service and also in civilian employment, into Texas from other States and from distant parts of this State; and

Whereas, Many of these men have been accompanied by their families, including their children, who are entitled to be furnished with suitable educational facilities, but said defense establishments are often located in communities which possess only small population, and very inadequate resources and school facilities, and which cannot, therefore, meet the needs of the many new scholastics without sizable outside assistance; and

Whereas, The State Legislature already has under consideration the question of the re-allocation of the State scholastic apportionment to partially supplement the running expenses of such schools, but cannot speedily provide for adequate school buildings and collateral equipment needed for the sudden increase in scholastic population; and

Whereas, This urgent and critical need for additional school buildings and equipment is caused solely by the National emergency and is not required for the children of the permanent residents of the communities in question; and

Whereas, The local taxpayers should not be required to vote a heavy bond issue to be paid off over a long period of years, the proceeds of which would be used in constructing buildings to be used only in the current emergency; now therefore

Be it resolved by the Senate, the House of Representatives concurring, That the Congress of the United States be hereby respectfully requested to make available, as soon as may be possible, sufficient funds to provide adequate school buildings and collateral equipment for the children of the men who have left their former homes to serve the National Preparedness Program in the State of Texas; and

Be it further resolved, That a copy of this resolution be forwarded to each member of the United States Congress from Texas.

The resolution was read second time and was adopted.

#### PROVIDING FOR THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 6, Providing for the Loan of Certain Highway Equipment to City of Vernon.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Wilbarger County, and adjacent Counties; and

Whereas, The City of Vernon and the Vernon Park System anticipate a large number of people attending county school meets to be held in the near future; and

Whereas, It will be necessary and important to said City of Vernon to fence its grounds; and

Whereas, It would be a great accommodation to said City of Vernon and its Park System, if the State Highway Department were permitted to loan said City the discarded wire hereinabove mentioned for the purpose of fencing the grounds, now, therefore

Be it resolved, By the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the City of Vernon sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said City of Vernon to return such wire upon request of the State Highway Department, and it is so resolved.

The resolution was read second time and was adopted.

#### PROVIDING FOR THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 7, Providing for the Loan of Certain Highway Equipment to the Iowa Park Independent School District of Wichita County.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Wichita County; and

Whereas, The Iowa Park Independent School District of Wichita



County anticipates a large number of people attending athletic events to be held in the near future; and

Whereas, It will be necessary and important to said School District to fence the grounds where said athletic events will be held; and

Whereas, It would be a great accommodation to said School District if the State Highway Department were permitted to loan said District the discarded wire hereinabove mentioned for the purpose of fencing the grounds; now, therefore,

Be it resolved, By the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the School Board of the Iowa Park Independent School District sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out; said School Board to return such wire upon request of the State Highway Department; and it is so resolved.

The resolution was read second time and was adopted.

#### RELATIVE TO JOINT RULES OF THE FORTY-SEVENTH LEGISLATURE

Mr. Alsup offered the following resolution:

H. C. R. No. 23, Relative to Joint Rules of the Forty-Seventh Legislature.

Whereas, Previous resolutions adopted by the House and Senate with reference to the Temporary Joint Rules of the two Houses have expired, and

Whereas, It is imperative that the Permanent Joint Rules be adopted at the earliest possible date, now, therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the Committees on Rules of the respective houses meet in joint session for the purpose of drafting Proposed Permanent Joint Rules for the Forty-Seventh Legislature, and

Be it further resolved, That the joint session of the Committees on Rules make its report to the two Houses at the earliest practical moment.

The resolution was read second time and was adopted.

#### TO GRANT PERMISSION TO SUE THE STATE

Mrs. Colson offered the following resolution:

H. C. R. No. 20, To Grant Mrs. Gertrude Cabeen Permission to Sue the State.

Whereas, On or about the 18th day of December, 1940, Chancey Wilson Cabeen of Carter County, Montana, while traveling in a motor vehicle on a public highway within Montgomery County, Texas, a short distance north of Conroe, Texas, collided with a truck owned and operated by the Texas Prison System, and as a result of said collision he suffered and sustained serious bodily injuries, which proved fatal; and

Whereas, As a result of said collision and the bodily injuries therein sustained, the said Chancey Wilson Cabeen died on or about the 19th day of December, 1940; and

Whereas, The said Chancey Wilson Cabeen left surviving him a mother, Mrs. Gertrude Cabeen, a widow, but left surviving him no wife nor children, and that the said Mrs. Gertrude Cabeen, mother, constitutes the sole and surviving beneficiary of Chancey Wilson Cabeen under what is known as the Death Statute of the State of Texas, and being the only person in whom a cause of action is vested by the statutory laws of the State of Texas for the recovery of damages because of the death of the said Chancey Wilson Cabeen, and

Whereas, The 43rd Legislature, by virtue of the passage of Chapter 208, page 624, General Laws, Regular Session, 1933, Article 6166z10 of the Revised Civil Statutes, provided for the purchase and payment by the Texas Prison Board in the behalf of the officers and employees of the Texas Prison System and the State of Texas, liability insurance of persons operating motor vehicles used by the Prison System, thereby insuring the officers and employees of the Texas Prison System and the State of Texas from liability to third persons arising from and out of the use and operation of automobiles and motor trucks used by the Texas Prison System for purposes legiti-

mately connected with the operation of the Texas Prison System and

Whereas, In pursuance to the passage of the above statute the Texas Prison Board has seen fit to procure policies for the purposes above stated for and in behalf of the State and the officers and employees of the Texas Prison System, and

Whereas, The passage of said Act and the purchase and payment of said policies of insurance with State funds was and is for the purpose of protecting the public against the negligent acts of officers and employees of the Texas Prison System, and

Whereas, The said Mrs. Gertrude Cabeen claims that the State of Texas is due her damages sustained as a result of the collision aforesaid; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said Mrs. Gertrude Cabeen be, and she is hereby granted permission to sue the State of Texas, for damages for the loss she claims to have sustained by reason of the death of the said Chan- cey Wilson Cabeen by reason of the collision as aforesaid, and that such suit may be filed and instituted in the Dsitrict Court of Montgomery County, Texas; and that such suit shall be tried and determined in the trial and appellate courts of this State, according to the rules of law and procedure, as to liability and defenses, as if such were against an individual; and that it is hereby provided that if such suit be instituted under the provisions of this Resolution, service of process shall issue according to the rules of law governing such process in civil cases.

MRS. COLSON,  
COKER.

The resolution was read second time and was referred, by the Speaker, to the Committee on State Affairs.

#### DESIGNATING TEXAS STATE- HOOD DAY

Mr. Carrington offered the following resolution:

H. C. R. No. 26, Designating the 19th Day of February as Texas Statehood Day.

Whereas, The 19th day of February, 1941, will be the 95th anniversary of the voluntary surrender of its national sovereignty by the Republic of Texas to that of the United States of America an Act previously authorized by the official approval of the two respective governments and by the votes of the people of Texas, unique and without precedent in world history; and

Whereas, On that date in the year 1846, in the presence of representatives and senators seated on the gallery east of the capitol building in Austin, with hundreds of other citizens in attendance, Anson Jones—the last President of the Republic—read his valedictory, declaring “The first act in the great drama is now performed. The Republic of Texas is no more”; to which message the incoming Governor J. Pinckney Henderson then replied: “We have this day fully entered the Union of the North American States—let us give our friends who so boldly and nobly advocated our cause and the friends of American Liberty, no reason to regret their efforts in our behalf”; and

Whereas, When the final sentence fell from the lips of the first Governor, in a solemn hush of stifled emotions of sadness and joy the beloved Lone Star flag of Texas was furled and lowered from the southern gable of the capitol and while the boom of artillery sounded the annexation of Texas as the twenty-eighth state to enter the American Union, the glorious banner of George Washington, Thomas Jefferson and Andrew Jackson was officially raised for the first time under Texas skies and the Stars and Stripes became the National flag of Texas; and

Whereas, The incidents and events here culminating on that sacred occasion changed the course of American History ultimately leading to the westward extension of our national boundaries from Texas to the Pacific Ocean; now, therefore, be it

Resolved by the Forty-seventh Legislature of the State of Texas, the House and Senate concurring, That the 19th day of February should be and the same is hereby officially designated as Texas Statehood Day; and be it further

Resolved, That the Governor be respectfully requested to issue a proclamation each year to the people of Texas, calling to their attention their twice-glorious heritage which has been bequeathed to them, bathed in the tears and bought with the blood of liberty-loving, God-fearing, courageous pioneers; urging them to be ever mindful that in peace as well as in war the price of liberty is eternal vigilance; and to rededicate themselves unselfishly to their State and Nation keeping alive those patriotic sentiments and noble ideals that are inspired and fostered by an understanding and appreciation of the privileges and responsibilities of citizenship in the greatest nation of all time—a democracy where all men are free and equal.

Signed — Carrington, Stanford, Hoyo, Duckett, Donald, Roark, Hughes, Spacek, King, McMurry, Hutchinson, Deen, Weatherford, Bullock, Miss Files, Isaacks, Garland, Stinson, Blankenship, Huddleston, Cleveland, Dwyer, Bundy, Mills, Anderson, Bridgers, Whitesides, Kelly, Helpinstill, Hargis, Skiles, Wattner, Parker, Morgan, Simpson, Turner, Bean, Phillips, Price, Love, Daniel, Morse, Stubbs, Dove, Winfree and Manford.

The resolution was read second time and was adopted.

#### PROVIDING FOR THE APPOINTMENT OF CERTAIN COMMITTEE

Mr. Morse offered the following resolution:

H. C. R. No. 24, Providing for the Appointment of Certain Committee.

Whereas, The State of Texas needs, and to efficiently conduct the State's business here in Austin, must have an additional building of large and commodious proportions; and

Whereas, In securing such building the Legislature should take into consideration the economical cost of such building as well as its fitness, adequacy and early availability; and

Whereas, The owners of the building located in the City of Austin between 7th and 8th Streets and between Brazos and San Jacinto Streets consisting of an entire city block and

a very large and commodious rock building are desirous of disposing of the same; and

Whereas, It may be that said building would be suitable for a State building and probably could be purchased at a fair and reasonable price at a great saving to the State; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Speaker of the House and the Lieutenant Governor appoint a Committee of Seven Members, four thereof to be appointed by the Speaker of the House and three by the Lieutenant Governor.

That said Committee shall elect a chairman thereof; shall be supplied with two stenographers, one from the House and one from the Senate force; that said Committee shall have the power to call to its aid as and when needed, any architect or engineer now in the State's service to assist them in carrying out the terms of this Resolution and such architect or engineer shall assist the Committee without additional compensation.

That said Committee when so organized shall make and cause to be made an inventory and appraisal of said building, its plans, structure, including the character and desirability thereof; floor space, capability for readjustment and re-arrangement of the interior; its utility capacity, suitability and fitness for an office building; its location; the value of the land and the replacement cost of reconstruction, together with all other facts looking to its value to the State should she purchase the same; and ascertain the price asked for said property.

Said committee shall, as soon as practical make a complete and detailed report of its findings of fact to the House and the Senate with its recommendations thereon.

The resolution was read second time and was adopted.

#### ADJOURNMENT

On motion of Mr. Blankenship the House at 11:55 o'clock a. m. adjourned until 10:00 o'clock a. m. tomorrow.

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**APPENDIX****STANDING COMMITTEE  
REPORTS**

The following committees have  
filed favorable reports on bills as  
follows:

Penitentiaries: House Bill No. 10.

Military Affairs: House Bill No.  
45.

School Districts: House Bill No.  
200.

**In Memory of**  
  
**Mrs. Samantha Victoria**  
**McAdams Burkett**

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Mr. Crossley offered the following resolution:

H. S. R. No. 82, In Memory of Mrs. Samantha Victoria McAdams Burkett.

Whereas, On the 20th day of February in the year just past, Mrs. Samantha Victoria McAdams Burkett, mother of our able colleague, Omar H. Burkett, ceased her earthly labors to join the hosts of light and life eternal; and

Whereas, Her whole career was so filled with interesting characteristics of pioneer Texans, that we deem it proper to here set down some of the high spots which stand out in the ninety-three years allotted to her; all of which were spent in this her native State.

She was born in Titus County on January 16, 1847, and lived in that part of Texas until after the Civil War. Her father died about the time she reached maturity, and being the oldest of nine children it fell to her lot to look after and care for the younger ones, including the household duties, while her mother earned the living for all of them.

In 1870, she was married to James Nolley; and to this union were born three children, all of whom survive. Her husband died when the oldest of these children was less than eight years and the youngest was seven weeks. Undaunted, and without means, she assumed her responsibilities, boarded a covered wagon alone with her brood, and struck out for West Texas. After many days of hardships, she arrived at her destination, settled on a small tract of virgin land in the wilderness, and hewed out for herself and them a little farm upon which she tilled the soil, and secured for her family such necessities of life as were fitting the circumstances of a widowed pioneer mother without other means of support.

On March the 22nd, 1882, she was again married to James H. Burkett, in Burnet County, Texas. To this union four children were born, all of whom survive, together with their father, who for years was head of the pecan division of the State Department of Agriculture, and whose name and fame will long be perpetuated in the development and history of this important industry in the Lone Star State. After she had passed her 70th milestone, Mrs. Burkett traveled from top to bottom and edge to edge of Texas, in his agricultural and horticultural work.

After his public retirement, they lived quietly among neighbors and friends on their small farm at Clyde, Texas. Here he kept and still maintains an abiding interest in his life-long experiments in improving the lot of farmers and pecan raisers of our common country.

Here she lived and labored with him until she fell into her last long sleep. It can be truly said she was a commoner of the higher type. This pioneer mother of Texas represented and typified all there is in the best and noblest of our race, and we doubt not that

"She has been called from pain and hurt and strife,  
From all the ills which fall to flesh and clay;  
She has been raised unto an ampler, fuller life,  
To bide eternal just beyond the way."

In her passing, the House of Representatives of Texas joins with all who knew and loved her, in paying this our tribute of respect to her memory. It is, therefore, resolved by this Body, that a copy of this testimonial be printed in the Journal, that one be mailed to each member of the family of deceased, and that when we adjourn for the day, we do so in memory of one whom our colleague, Omar H. Burkett, has "long loved, but lost awhile."

CROSSLEY,  
CHAMBERS,  
HOWINGTON,  
EVANS.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison; Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burnaman, Carlton, Carrington, Cato, Celaya, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansbery, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McNamara, McMurry, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Ridgeway, Roark, Roberts, Rhodes, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Evans the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

**In Memory of**

**Hon. Charles Mape Cureton**

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The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 3, In Memory of Honorable Charles Mape Cureton.

Whereas, On the 8th day of April, A. D., 1940, the Great Architect of the Universe called to rest from his earthly labors, the Honorable Charles Mape Cureton, of Meridian, Texas; and

Whereas, The said Charles Mape Cureton lived a long, useful and active life; and

Whereas, The said Charles Mape Cureton served the 98th Flotorial District as a Representative and the State of Texas as Attorney General, with credit to himself and honor to his State; and

Whereas, The said Charles Mape Cureton always took an active and interested part in all legislative affairs looking to the betterment of his State and Country; and

Whereas, The said Charles Mape Cureton served the State of Texas as a member of the Supreme Court of Texas for almost nineteen years and for all of that time was the Chief Justice of said Supreme Court and his term of service in this capacity was looked upon by all who knew him as a term of service to his State filled with credit to himself and honor to his family; and

Whereas, The said Charles Mape Cureton served longer on the Supreme Court of Texas than any other man that has been a member of the Court; and

Whereas, The said Charles Mape Cureton was a man possessed of a lovable and admirable personality, and was possessed of splendid traits of character; and

Whereas, In the passing of this lovable and distinguished gentleman his State and community has suffered the loss of a beautiful and shining character, a faithful public servant, and a true, honorable, and loyal citizen and friend; now, therefore, be it

Resolved, That the Senate of Texas, the House of Representatives concurring acknowledge with deep regret the passing of this fine gentleman and citizen of Texas, and that a copy of this resolution be spread upon the memorial pages of the Senate, and House of Representatives of the day, as a token of the love and esteem in which was held this lovable and fine man; and be it further

Resolved, That the Secretary of the Senate and the Chief Clerk of the House of Representatives send the family of deceased a copy of this resolution under their respective seals, and that when the

Senate and House of Representatives adjourn today, they do so in silent tribute to a man whose name shall live long in the affection of his friends and sorrowing family.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Ridgeway, Roark, Roberts, Rhodes, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Carlton the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.



**In Memory of**

**Hon. Clarence Junius Sherrill**

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Mr. McMurry offered the following resolution:

H. S. R. No. 83, In Memory of Honorable Clarence Junius Sherrill.

Whereas, On the 25th day of August, 1940, at the age of fifty-nine (59) years, the Almighty God in His superior judgment, which we mortals so little understand, took from our earthly ranks the great soul of the late Doctor, Representative and Judge, Clarence Junius Sherrill, of Henrietta, Texas, and he answered that call as gallantly and preparedly as he had always answered every other call in ordinary life.

Whereas, In the State which proudly claims Doctor C. J. Sherrill as its own, there is a reserved place left in the hearts of all who loved and honored him for his great gifts of mind and heart, his valuable contributions to his State and community, manifest to all who knew him.

Whereas, He was a very valuable leader in the dental profession, and his kind and generous services as a doctor of dental surgery remained to be matched, as it was his objective to assist persons regardless of their poor financial condition.

Whereas, Doctor C. J. Sherrill was elected to the House of Representatives of Texas, from the One Hundred and Tenth District of Texas, composed of Clay and Archer Counties, in 1928 and served with unusual distinction through all the Forty-first and Forty-second Legislatures; and

Whereas, Thus having voluntarily retired from the Legislature after a valuable service of two terms therein, he was elected to the office of County Judge of Clay County, Texas, in the year 1934, and served ably and well as such official, from the first day of January, 1935, to the first day of January, 1939.

Whereas, By the innumerable good deeds and contributions of Doctor C. J. Sherrill to both community and State shall ever keep his memory aglow and imperishable, meriting him the highest honor and ovation this State can pay; now, therefore, be it

Resolved by the Members of the House of Representatives, To acknowledge the loss of his inspiring presence and splendid record in the dental profession, in the House of Representatives, and as County Judge of Clay County, and that a copy of this resolution be spread on the memorial pages of the House Journal of the day, to designate the love and esteem in which was held this great and good soul and letting this serve as an acknowledgment of the debt Texas owes and the tribute Texas pays, to a true son of the people; and also, be it further

Resolved, That the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under the

Seal of the House of Representatives, and that when the House adjourns today, they do so in silent tribute to a man whose name shall live long in the consciousness of his State and in the affection of his family and friends.

McMURRY,  
ALSUP.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Ridgeway, Roark, Roberts, Rhodes, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Bray the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

**In Memory of**  
**Arthur Ravenal Andrews**

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Mr. Stinson offered the following resolution:

H. S. R. No. 84, In Memory of Arthur Ravenal Andrews.

Whereas, On January 18, 1941, A. D., Arthur Ravenal Andrews passed on to his reward; and

Whereas, No blaze in all our eulogy can burn beside the sunlight of a useful life; and the grandest thing next to the radiance that flows from the Almighty Throne, is the light of a noble and beautiful life wrapping itself in benediction round the destinies of men, and finding its home in the bosom of the everlasting God; and

Whereas, Arthur Ravenal Andrews, in all of his full life of nearly sixty-four years, from the time of his birth in Galveston, Texas, through his youth and young manhood in Terrell, Kaufman County, Texas, till he went to the Great Beyond, gave untiringly and unselfishly for the intrinsic and the extrinsic welfare of his fellow man; and

Whereas, Arthur Ravenal Andrews served his State with loyal devotion as a member of the Board of Managers of the North Texas Hospital for the Insane at Terrell, and later became the first full time member and Secretary of the Texas Fire Insurance Commission under appointment by Governor O. B. Colquitt, declining reappointment to reenter private business in Dallas, Texas, giving it full and faithful service throughout the remaining days of his life; and

Whereas, With pride and sincerity, he gave unsparingly of his time, his efforts and of material things to the civic and charitable enterprises of his native State, being particularly active through successive years in the annual benefits in behalf of the unfortunate children suffering with infantile paralysis, being a member of the State Executive Committee to carry out the plans of the President's Birthday Ball; and

Whereas, In the passing of this splendid character and gentleman, his community and his State has suffered a distinct loss of a faithful public servant and a true, honorable and loyal citizen and a devoted friend; now, therefore, be it

Resolved, That the House of Representatives of the Forty-seventh Legislature acknowledge with deep regret the passing of this fine gentleman and upright citizen of Texas, and that a copy of this resolution be spread upon the memorial pages of the House Journal as an expression of bereavement to the family; and be it further

Resolved, That the Chief Clerk of the House of Representatives be instructed to send to the members of the family a true copy of these resolutions.

STINSON,  
BLANKENSHIP,  
HANNA,  
REED of Dallas,  
CROSTHWAIT,  
HARRIS of Dallas,  
WEATHERFORD.

The resolution was read second time and was unanimously adopted by a rising vote.

**In Memory of**  
**Hon. Eli T. Merriman**

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Mr. Lyle offerd the following resolution:

H. C. R. No. 21, In Memory of Honorable Eli T. Merriman.

Whereas, The House of Representatives has learned with sorrow of the death of Honorable Eli T. Merriman; and

Whereas, Eli T. Merriman is one of the last of South Texas pioneers as well as one of the founders of The Caller, Corpus Christi's first daily newspaper, and was a man who generously gave a lifetime of service to his community; and

Whereas, For more than eighty-eight years Eli T. Merriman has refused to grow old and has been vitally interested in the work of the church, community, and his fraternal organizations and has been the source of inspiration to all of those who aspire to a life of service to their community, State, and country; and

Whereas, In the passing of this great citizen and this great Texan his community and the State of Texas has lost a valuable resident and friend and a loyal and outstanding citizen;

Now, therefore, be it resolved That the House of Representatives, State of Texas, the Senate concurring, take formal notice of the passing of this worthy citizen and extend its sympathy to the bereaved family and the community where he so long resided; and

Be it further resolved, That a copy of this resolution be spread upon the House Journal of this day's proceedings, and that when the House adjourns today, it do so as an act of respect for this illustrious citizen;

Be it further resolved, That the Chief Clerk of the House send to George J. Merriman of Corpus Christi, son of the deceased, a copy of this resolution under the seal of the House of Representatives.

LYLE,  
SHELL,  
HARTZOG.

The resolution was read second time and was unanimously adopted by a rising vote.

**In Memory of**  
**General W. E. Jackson**

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Mr. Pevehouse offered the following resolution:

H. C. R. No. 22, In Memory of General W. E. Jackson.

Whereas, On the 16th day of August, 1940, the Great Architect of the Universe called from the walks of men, General W. E. Jackson of Hillsboro, Texas, at the age of sixty-five years and he met the final ordeal with the same undaunted spirit that he met the problems of life; and

Whereas, In his passing, the State and Nation have lost a great soldier, a valuable and patriotic citizen; he was loved and respected by his legion of friends; his great work will live on, and his memory be cherished by all who knew him; and

Whereas, His service to his country has been of the highest order, having served with distinction in two wars, the Spanish-American and the World War, and rising from a private to a Major General. He was awarded the Croix de Guerre with Palm by the Republic of France for his gallant service as commander and leader of the fearless National Guard Regiment in the Meuse-Argonne offensive of the World War. At the close of the World War, he requested retirement, but upon the urgent request of the Adjutant General and the Commanding General, 36th Division, he resumed the duties of a peace-time National Guard officer and reorganized his old regiment, the 144th Infantry, which he continued to command until his promotion to command of the 71st Brigade in 1928; and

Whereas, The Members of the Forty-seventh Legislature of the State of Texas, in recognition of his useful life, bow their heads in humble respect for the great loss of his outstanding service and devotion to his country and fellow man; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That a copy of this resolution be spread on the memorial pages of the House Journal on this day to acknowledge the loss of this inspiring presence and splendid record in the field of patriotic service and let this serve as an acknowledgment of his great usefulness to his State and Nation and to his people; and be it further

Resolved, That the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under his seal, and when the House and Senate adjourn today, they do so in silent tribute to a man whose name shall live long in the consciousness of his people.

PEVEHOUSE,  
HARRIS of Hill.

The resolution was read second time and was unanimously adopted by a rising vote.